

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PHILLIP DEWAYNE STEWART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:21-CV-6 DDN
	)	
OFFICER JOHNSON,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. Self-represented, prisoner plaintiff filed this civil action for money damages on January 4, 2021. However, plaintiff neither paid the \$400 court filing fee nor filed a motion to proceed *in forma pauperis* (or without prepayment of fees or costs), along with a certified copy of his prison account statement. *See* 28 U.S.C. § 1915(a). As such, the Court will allow plaintiff twenty-one (21) days to either pay the full filing fee or file his motion to proceed *in forma pauperis* and account statement. His failure to do so in a timely manner will result in a dismissal of this action, without prejudice.

Accordingly,

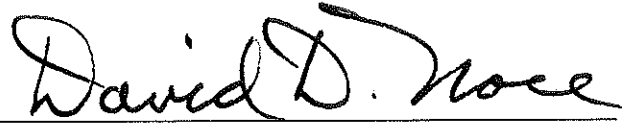
**IT IS HEREBY ORDERED** that the Clerk is directed to mail to plaintiff a copy of the motion to proceed *in forma pauperis* form for prisoners.

**IT IS FURTHER ORDERED** that plaintiff must either pay the \$400 filing fee **or** submit a motion to proceed *in forma pauperis* within twenty-one (21) days of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff files a motion to proceed *in forma pauperis*, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

**IT IS FINALLY ORDERED** that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).

Dated this 12<sup>th</sup> day of January, 2021.

A handwritten signature in black ink that reads "David D. Noce". The signature is written in a cursive, flowing style with a large initial 'D'.

DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE